

U.S. Application No. 10/678,751  
Response dated March 14, 2005  
Reply to Office Action of January 12, 2005

### **REMARKS**

#### **Restriction Requirement**

In the Office Action mailed January 12, 2005, the Examiner required restriction between the following groups of claims:

Group I, claims 51-62, 77-84, 89 and 90, drawn to chitosan and acid based matrix;

Group II, claims 63-73, 85, 91-100, 104-106 and 110, drawn to method for culturing cells;

Group III, claims 74, 86, 107 and 111, drawn to method for repairing cartilage on bone defect;

Group IV, claims 75, 87, 108 and 112, drawn to method for replacing a microcapillary;

Group V, claims 76, 88, 109 and 113, drawn to method for providing a filler material during surgery;

Group VI, claims 101-103, drawn to method for producing matrix.

The Examiner has further required the election of a single disclosed species if either of Groups I or II is elected.

In response, Applicants elect Group I with traverse. Applicants further elect, with traverse, the species "sheet" as matrix form. Applicants note the requirement in 35 U.S.C. §121 that restriction may be required if two or more "independent and distinct" inventions are claimed in the same application. The Examiner has acknowledged that the groups set forth as representing separate inventions in the January 12, 2005 Office Action are related, i.e., not

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independent. This is also consistent with the fact that there was not a lack of unity of invention during the International Phase of the PCT application of which the present application is a continuation. Moreover, for restriction to be proper between distinct inventions, there must be a serious burden on the Examiner if restriction were not required. The Examiner has not provided any indication that such burden would result from examination of all claims together.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the restriction and species election requirements, and proceed to examine all claims on the merits.

The Examiner is invited to telephone Applicants' undersigned attorney if it is deemed to expedite allowance of the subject application.

Respectfully submitted,

By



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